

REMARKS

Regarding the status of this application, Claims 1, 11 and 17 have been amended to better define the structure of the slotted holes, and Claims 1-19 are pending in this application. Reconsideration of this application is respectfully requested. This paper addresses the Examiner's position in the Office Action mailed June 16, 2005.

Claims 1-9, 11-15, and 17-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 3,987,579 issued to Palenik, III. The Examiner stated that "Palenik discloses an universal fixture having a plurality of dual axis clamps (38) with slotted holes each rotatably and slidably secured rods (fig. 3), and base (13). Palenik III discloses enough parts to anticipate all claim pluralities." It is respectfully submitted that this position is in error."

It is respectfully submitted that the Palenik, III patent does not disclose or suggest the use of slotted holes as is argued by the Examiner. The Examiner's position is not understood. There are holes formed in each of the blocks of the Palenik, III amusement device. However, it is absolutely clear that none of the blocks have slots formed in them that extend from a hole through a sidewall of the block. The term "slot" is not used in the Palenik, III patent. Looking at the drawing figures of the Palenik, III patent shows no slots therein or anything that might be interpreted as a slot. It is clear from looking at the drawing figures of the Palenik, III patent that the blocks are solid except for the holes that are formed through them.

As for the present invention, the Examiner has questioned the recitation of "slotted holes". Claims 1, 11 and 17 have been amended to more specifically define the structure of the slotted holes. The slotted holes are identified in Figs 1 and 3, for example, by reference numeral 32, and are identified in Figs 2c-2f, 4a and 4b, for example, by reference numerals 38 and 39. As is clearly shown in these drawing figures, the slots are formed in the clamps that extend through the sidewall of the claim to the hole. This allows the machine screw 37 to be loosened or tightened to allow the rods to slide or be secured in the holes.

With regard to Claims 1, 11 and 17, each of them have been amended to include substantially the same recitation regarding the structure of the slotted holes. With regard to Claims 1, 11 and 17, it is respectfully submitted that the Palenik, III patent does not disclose or suggest a "universal holding fixture for holding an object." The Palenik, III patent discloses a free-form construction amusement device, and nothing whatsoever is discussed or suggested regarding holding an object. The pending Claims recite that "selected rods are suitably positioned and secured to hold the object." This specifically recited aspect of the present invention is clearly not disclosed or suggested by the Palenik, III patent

It is also respectfully submitted that the Palenik, III patent does not disclose or suggest "a plurality of dual axis clamps ..., each dual axis clamp comprising a single member having first and second substantially orthogonal slotted holes through which respective rods extend for clamping the respective rods, wherein slots are formed in each single member extending along an edge of each hole that extend through a lateral wall of the member" as is recited in Claims 1,

11 and 17. As was stated above, there are no slotted holes in the blocks of the amusement device disclosed in the Palenik, III patent.

Furthermore, there is no teaching or disclosure contained in the Palenik, III patent that would suggest modifying the blocks to have slotted holes. It is respectfully submitted that any assertion that the holes in the blocks could be slotted would necessarily distort and extend the express teachings of the Palenik, III patent beyond its scope, and entail the use of hindsight reconstruction based upon the teachings of the present application. The Examiner stated that "hindsight is not being used because the prior art discloses what the applicant is claiming." This is clearly not correct, and hindsight reconstruction must be used to reject the present invention, since the Palenik, III patent discusses nothing whatsoever regarding the use of slots in blocks of the amusement device.

There is also no teaching or disclosure contained in the Palenik, III patent that would suggest that "selected rods are suitably positioned and secured to hold the object" as is recited in Claims 1, 11 and 17. The rods disclosed in the Palenik, III patent interconnect various blocks to form an arbitrary structure. It is respectfully submitted that there is no disclosure or suggestion contained in the Palenik, III patent that the amusement device or the rods employed therein may be positioned and secured to hold an object. This is mere conjecture on the part of the Examiner and is necessarily based upon the use of hindsight reconstruction, using the teachings of the Palenik, III patent in light of Applicant's own teachings.

It is respectfully submitted that the Examiner has not addressed the specific language recited in Claims 1, 11 and 17, and has made only a general statement that the Palenik, III patent discloses "slotted holes" and that it "discloses enough parts to anticipate all claim pluralities." However, the present amendments made to Claims 1, 11 and 17 clearly define the slotted holes in the clamps. It is respectfully submitted that the Examiner cannot identify any slot that is formed in any of the blocks of the Palenik, III amusement device.

In view of the above, it is respectfully submitted that the Palenik, III patent does not disclose or suggest the inventions recited in Claims 1, 11 and 17. Withdrawal of the Examiner's rejection and allowance of Claims 1, 11 and 17 are respectfully requested.

The detailed structures recited in dependent Claims 3-9, 12-15, 18 and 19 are clearly not disclosed or suggested by the Palenik, III patent, and certainly not without using hindsight reconstruction on the part of the Examiner. For example, it is clear that the Palenik, III patent does not disclose or suggest the use of a machine screw to interconnect pairs of dual axis clamps as are recited in Claims 10 and 19. Dependent Claims 2-9, 12-15, 18 and 19 are considered allowable over the Palenik, III patent based upon their dependence from allowable Claims 1, 11 and 17. Withdrawal of the Examiner's rejection and allowance of Claims 2-9, 12-15, 18 and 19 are respectfully requested.

Claims 1-9, 11-15, and 17-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 4,253,649 issued to Hewson. The Examiner stated that "Hewson discloses an universal fixture having a plurality of dual axis clamps with slotted holes (fig. 3)

each rotatably and slidably secured rods (41), and base (60). Hewson discloses enough parts to anticipate all claim pluralities." It is respectfully submitted that this position is in error.

With regard to Fig. 3 of the Hewson patent, and with reference to column 2, lines 26-36, for example, it is respectfully submitted that it shows a devices that may be used to secure two rods. This device includes a bolt, a wing nut, two bodies that each have a bore through which a rod may extend and that are spot welded to washers, and a rubber friction member disposed between the washers. Notwithstanding the operational capability of this device, it is respectfully submitted that it is not a dual axis clamp that is "a single member" as is recited in Claims 1, 11 and 17. The device disclosed in the is not structurally the same as the dual axis clamps in Claims 1, 11 and 17. Clearly, the Hewson device is made up of multiple components and is not a single member as is presently claimed. Furthermore, the two bodies are separate components, and are not part of a single entity.

It is respectfully submitted that the Hewson patent does not disclose or suggest "a plurality of dual axis clamps ..., each dual axis clamp comprising a single member having first and second substantially orthogonal slotted holes through which respective rods extend for clamping the respective rods, wherein slots are formed in each single member extending along an edge of each hole that extend through a lateral wall of the member" as is recited in Claims 1, 11 and 17. As was stated above, the Hewson patent does not disclose or suggest a claim device that is a single member. The term "single" as defined by Webster's New International Dictionary Second Edition, means "one only, as distinguished from more than one; consisting of one alone." It is abundantly clear that the device shown in Fig. 3 of the Hewson patent does not a single member.

With regard to Claims 1, 11 and 17, it is respectfully submitted that the Hewson patent does not disclose or suggest holding an object by means of the rods. The Hewson patent discloses the use of G-clamps 47 that are used to hold an object. It is respectfully submitted that the Hewson patent does not disclose or suggest that the rods are used to hold an object. Claims 1, 11 and 17 recite that "selected rods are suitably positioned and secured to hold the object." This specifically recited aspect of the present invention is not disclosed or suggested by the Hewson patent.

In addition, this aspect of the present invention cannot be derived from the teachings of the Hewson patent without the use of hindsight reconstruction. The structure shown in Fig. 1 of the Hewson patent would need to be deconstructed so as to remove the G-clamps (which are specifically designed to hold an object) from the structure to allow the rods to hold the object. However, this clearly amounts to hindsight reconstruction, since there is no teaching contained in the Hewson patent that it would be desirable to do this.

Therefore, it is respectfully submitted that the Hewson patent does not disclose or suggest the inventions recited in Claims 1, 11 and 17. Withdrawal of the Examiner's rejection and allowance of Claims 1, 11 and 17 are respectfully requested.

The detailed structures recited in dependent Claims 3-9, 12-15, 18 and 19 are clearly not disclosed or suggested by the Hewson patent, and certainly not without using hindsight

reconstruction on the part of the Examiner. Again, it is clear that the Hewson patent does not disclose or suggest the use of a machine screw to interconnect pairs of dual axis clamps as are recited in Claims 10 and 19. Dependent Claims 2-9, 12-15, 18 and 19 are considered allowable over the Hewson patent based upon their dependence from allowable Claims 1, 11 and 17. Withdrawal of the Examiner's rejection and allowance of Claims 2-9, 12-15, 18 and 19 are respectfully requested.

Claims 1-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. Re 25,802 issued to Steffen. The Examiner's position is that "Steffen discloses an universal fixture having a plurality of dual axis clamps (11) with slotted holes each rotatably and slidably secured rods (60, 66, 65 or fig. 3), and base (61). The Examiner stated that "Steffen discloses enough parts to anticipate all claim pluralities" and "A plurality of threaded machine screws (52 & 63)." It is respectfully submitted that this position is in error."

It is respectfully submitted that the Steffen patent does not disclose or suggest a "dual axis clamp comprising a single member having first and second substantially orthogonal slotted holes through which respective rods extend for clamping the respective rods." The work holders disclosed in the Steffen patent are not single members. The work holders include a V-block and clamp. The work holders are made up of multiple components, including cylindrical or circular members 14, 15, a threaded part 31, a coil compression spring 39, and two yokes 43, 57. The Steffen patent states that there is a transverse slot 24 at the bottom of a V-notch 19 (column 2, lines 40-41). A rod sits in a V-shaped groove and is secured in the V-shaped groove using a threaded screw. This is not the structure that is recited in Claims 1, 11 and 17. This structure is clearly not a single member. Also, the rods (pieces of round stock) are not part of the work holders, they are the objects that are held by the work holders.

There are no slotted holes similar to those recited in the pending Claims disclosed or suggested in the Steffen patent. While there is a slot at the bottom of the V-shaped groove, and there is a hole 22 drilled through the cylindrical or circular members 14, none of the drawing figures in the Steffen patent show a slotted hole that is tightened to secure a rod therein. In particular, with regards to Claims 1, 11 and 17, it is respectfully submitted that the Steffen patent does not disclose or suggest that "slots are formed in each single member extending along an edge of each hole that extend through a lateral wall of the member."

There is also no teaching or suggestion contained in the Steffen patent that would indicate that "selected rods are suitably positioned and secured to hold the object" as is recited in Claims 1, 11 and 17. The rods disclosed in the Steffen patent are held by the work holders, and are not used to hold an object. It is the rods that are worked on, such as by machining, etc., that is taught by the Steffen patent.

Thus, the Steffen patent does not disclose or suggest either a dual axis clamp that is a single member, or that the single member has slots extending along an edge of each hole that extend through a lateral wall of the member, or that selected rods are suitably positioned and secured to hold an object. Any such assertions would be mere conjecture on the part of the

Examiner and are necessarily based upon the use of hindsight reconstruction, using the teachings of the Steffen patent in light of Applicant's own teachings.

There is no teaching or disclosure contained in the Steffen patent that would suggest modifying the work holder to have slotted holes configured as is recited in the pending Claims. It is respectfully submitted that any assertion that the work holder could be modified to include slotted holes to hold a workpiece would necessarily distort and extend the express teachings of the Steffen patent beyond its scope, and entail the use of hindsight reconstruction based upon the teachings of the present application.

Therefore, it is respectfully submitted that the Steffen patent does not disclose or suggest the inventions recited in Claims 1, 11 and 17. Withdrawal of the Examiner's rejection and allowance of Claims 1, 11 and 17 are respectfully requested.

The detailed structures recited in dependent Claims 3-10, 12-16, 18 and 19 are clearly not disclosed or suggested by the Steffen patent, and certainly not without using hindsight reconstruction on the part of the Examiner. The use of multiple work holders interconnecting multiple rods for use in holding an object is not disclose or suggested by the Steffen patent, and certainly not without the use of hindsight reconstruction. It is also clear that the Steffen patent does not disclose or suggest the use of a machine screw to interconnect pairs of dual axis clamps as are recited in Claims 10 and 19. Dependent Claims 3-10, 12-16, 18 and 19 are considered allowable over the Steffen patent based upon their dependence from allowable Claims 1, 11 and 17. Withdrawal of the Examiner's rejection and allowance of Claims 3-10, 12-16, 18 and 19 are respectfully requested.

The prior art heretofore made of record and not relied upon is considered pertinent to applicant's disclosure to the extent indicated by the Examiner.

In view of the above, it is respectfully submitted that all pending Claims are not anticipated by, nor are they obvious in view of, the cited patents. Therefore, it is respectfully submitted that the pending Claims are allowable, and that the present application is in condition for allowance. Reconsideration and early allowance of this application are earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kenneth W. Float', written over a circular stamp or seal.

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